

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

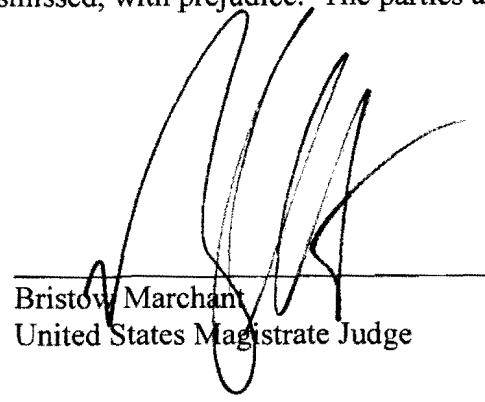
Reginald Corey Sweat,) Civil Action No 9:11-cv-02460-JMC-BM
)
Plaintiff,)
)
vs.) **REPORT AND RECOMMENDATION**
)
Cecilia Reynolds,)
)
Defendant.)
)

The Plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. However, shortly after filing this action, Plaintiff filed a "Motion [for] Termination of Action" on October 27, 2011. Pursuant to this filing, one of the named Defendants was terminated as a party Defendant, but the other Defendant remained on the docket, resulting in a Motion to Dismiss being filed by both Defendants on November 14, 2011. By Order of this Court filed November 18, 2011, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Plaintiff was advised of the dismissal procedure and the possible consequences if he failed to respond adequately. Plaintiff did not respond to either the Defendants' Motion to Dismiss or to the Court's *Roseboro* Order.

As the Plaintiff himself filed a motion to terminate this action, and also has failed to respond to the Defendants' motion for dismissal, it appears to the court that he wishes to abandon this action. Therefore,

BS
PZ

It is **recommended** that this case be dismissed, with prejudice. The parties are referenced to the notice page attached hereto.


Bristow Marchant
United States Magistrate Judge

January 3, 2012
Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).